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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 DANNY L. HUGHES,

10 Plaintiff,

11 v.

12 WARREN G. GOEDERT, *et al.*,

13 Defendants.  
14

Case No. 3:17-cv-00174-MMD-VPC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
VALERIE P. COOKE

15 Before the Court is the Report and Recommendation of United States Magistrate  
16 Judge Valerie P. Cooke (ECF No. 29) (“R&R”) relating to defendant’s second amended  
17 complaint (ECF No. 7). The Court allowed plaintiff until August 7, 2017, to file an objection.  
18 (See ECF No. 8.) To date, no objection to the R&R has been filed.

19 This Court “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
21 timely objects to a magistrate judge’s report and recommendation, then the court is  
22 required to “make a *de novo* determination of those portions of the [report and  
23 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails  
24 to object, however, the court is not required to conduct “any review at all . . . of any issue  
25 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,  
26 the Ninth Circuit has recognized that a district court is not required to review a magistrate  
27 judge’s report and recommendation where no objections have been filed. See *United*  
28 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no  
2 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
4 district courts are not required to review "any issue that is not the subject of an objection.").  
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may  
6 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226  
7 (accepting, without review, a magistrate judge's recommendation to which no objection  
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R and  
11 filings in this case, this Court finds good cause to accept and adopt the Magistrate Judge's  
12 R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and Recommendation  
14 of Magistrate Judge Valerie P. Cooke (ECF No. 8) is accepted and adopted in its entirety.

15 It is further ordered that Plaintiff's amended complaint (ECF No. 7) is dismissed  
16 without prejudice, without leave to amend.

17 It is further ordered that the Clerk enter judgment and close this case.

18 DATED THIS 31<sup>st</sup> day of August 2017.

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21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
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